

REMARKS

In the final Office Action, the Examiner rejected claims 19-21 and 31 under 35 U.S.C. § 101 as directed to non-statutory subject matter; rejected claims 1, 3, 7, 14, 17-24, and 26-34 under 35 U.S.C. § 102(e) as anticipated by Shultz et al. (U.S. Patent Application Publication No. 2003/0061211); and rejected claims 4-6 and 8-11 under 35 U.S.C. § 103(a) as unpatentable over Shultz et al. in view of Berkan et al. (U.S. Patent Application Publication No. 2003/0074353). The Examiner objected to claims 12 and 13 as dependent upon a rejected base claim, but indicated that claims 12 and 13 would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claim.

By this Amendment, Applicants cancel claims 27 and 33 without prejudice or disclaimer, amend claims 1, 7, 14, 19-24, 26, 28, 30-32, and 34 to improve form, and add new claims 35 and 36. Applicants appreciate the Examiner's identification of allowable subject matter, but respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 101, 102, and 103 with regard to the claims presented herein. Claims 1, 3-14, 17-24, 26, 28-32, and 34-36 are pending.

REJECTION UNDER 35 U.S.C. § 101

In paragraph 5 of the final Office Action, the Examiner rejected claims 19-21 and 31 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. In particular, the Examiner alleged that the claims do not recite any hardware elements and can be implemented as software per se (final Office Action, paragraph 5).

Without acquiescing in the Examiner's rejection, but solely to expedite prosecution, Applicants propose amending claims 19, 20, and 31 to recite "one or more devices." Thus, claims 19, 20, and 31 now clearly recite hardware. Thus, contrary to the Examiner's allegation,

claims 19, 20, 21 (which depends from claim 20), and 31 are not directed to software per se. For at least these reasons, Applicants submit that claims 19-21 and 31 are directed to statutory subject matter under 35 U.S.C. § 101.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 19-21 and 31 under 35 U.S.C. § 101.

REJECTION UNDER 35 U.S.C. § 102 BASED ON SHULTZ ET AL.

In paragraph 8 of the final Office Action, the Examiner rejected pending claims 1, 3, 7, 14, 17-24, 26, 28-32, and 34 under 35 U.S.C. § 102(e) as allegedly anticipated by Shultz et al. Applicants respectfully traverse the rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. Shultz et al. does not disclose or suggest the combination of features recited in claims 1, 3, 7, 14, 17-24, 26, 28-32, and 34.

Independent claim 1, for example, is directed to a method that is performed by a server device and that comprises receiving, by a processor of the server device, a search query; determining, by the processor, a geographic location associated with the query; determining, by the processor, a topic corresponding to the query; determining, by the processor, a distance adjustment factor associated with the topic; identifying, by the processor, a set of documents based, at least in part, on the query; determining, by the processor, for each document in the set of documents, a topical score based, at least in part, on the query; determining, by the processor, for each document in the set of documents, a measure of distance between a geographic location

associated with the document and the geographic location associated with the query; generating, by the processor, for each document in the set of documents, a distance score based, at least in part, on the measure of distance and the distance adjustment factor, where the distance adjustment factor controls an amount that the distance score changes as a function of the measure of distance; and ordering, by the processor, the set of documents as a function of both the topical scores for the set of documents and the distance scores for the set of documents.

Shultz et al. does not disclose or suggest the combination of features recited in claim 1. For example, Shultz et al. does not disclose or suggest generating, by the processor, for each document in a set of documents, a distance score based, at least in part, on a measure of distance and a distance adjustment factor, where the distance adjustment factor is associated with a topic corresponding to the query and controls an amount that the distance score changes as a function of the measure of distance, as recited in claim 1.

The Examiner alleged that Shultz et al. discloses determining a distance score for each document in the set of documents based, at least in part, on the location sensitivity score and a measure of distance between a geographic location associated with the document and the geographic location associated with the query, and cited paragraph 0060 and steps 232-236 of Shultz et al. for support (final Office Action, pages 3-4). Without acquiescing in the Examiner's allegation, Applicants submit that Shultz et al. does not disclose or suggest generating, by the processor, for each document in a set of documents, a distance score based, at least in part, on a measure of distance and a distance adjustment factor, where the distance adjustment factor is associated with a topic corresponding to the query and controls an amount that the distance score changes as a function of the measure of distance, as recited in claim 1.

At paragraph 0060, which describes steps 232-236, Shultz et al. discloses:

Any of these types of matching information may subsequently be sorted according to user preference and/or a predefined search result sorting routine. Such sorting may pertain to specific sorting criteria, for example, by order of importance, relevance or hierarchy of the information retrieved from database 133. Example sorting criterion might include, a distance from the user identified location (e.g., step 232), corresponding advertising information (e.g., step 234) and/or business information (e.g., step 236). Business information may be sorted according to various criteria, for example, alphabetical criteria, such as by the name of the business, size criteria, such as the size of the business, price criteria, time criteria, event criteria, or any other sorting criteria that might be helpful to a user.

In this section, Shultz et al. discloses sorting matching information according to importance, relevance, hierarchy of information, distance from the user identified location, corresponding advertising information, or corresponding business information. Even assuming, for the sake of argument, that the distance from a user identified location, as disclosed by Shultz et al., can reasonably correspond to a measure of distance between a geographic location associated with the document and the geographic location associated with the query (a point that Applicants do not concede), as alleged by the Examiner, Shultz et al. does not disclose generating a distance score based, at least in part, on this distance from the user identified location and a distance adjustment factor that controls an amount that the distance score changes as a function of this distance from the user identified location. Rather, Shultz et al. merely discloses sorting matching information according to a distance from a user identified location. Thus, Shultz et al. does not disclose or suggest generating, by the processor, for each document in the set of documents, a distance score based, at least in part, on the measure of distance and the distance adjustment factor, where the distance adjustment factor is associated with a topic corresponding to the query and controls an amount that the distance score changes as a function of the measure of distance, as recited in claim 1.

The Examiner alleged that Shultz et al. discloses determining the score for a document based on business information (i.e., topic) as well as distance to the provider (final Office Action, page 11). Regardless of the accuracy of the Examiner's allegation, claim 1 does not recite determining a score for a document based on a topic and a distance. Rather, claim 1 specifically recites generating, for each document in the set of documents, a distance score based, at least in part, on the measure of distance and the distance adjustment factor, where the distance adjustment factor is associated with a topic corresponding to the query and controls an amount that the distance score changes as a function of the measure of distance. Shultz et al. simply does not disclose or suggest these features of claim 1.

Further, even assuming, for the sake of argument, that business information can reasonably correspond to a topic and that the distance from the user identified location can reasonably correspond to a measure of distance between a geographic location associated with the document and the geographic location associated with the query (points that Applicants do not concede), as alleged by the Examiner, Shultz et al. would merely disclose sorting information based on the topic and/or the measure of distance. Shultz et al. does not disclose or remotely suggest determining a distance score based on the distance from the user identified location and a factor associated with the business information that controls an amount that the distance score changes as a function of the distance from the user identified location, as would be required by claim 1 based on the Examiner's interpretation of Shultz et al. Thus, Shultz et al. does not disclose or suggest generating, by the processor, for each document in the set of documents, a distance score based, at least in part, on the measure of distance and the distance adjustment factor, where the distance adjustment factor is associated with a topic corresponding

to the query and controls an amount that the distance score changes as a function of the measure of distance, as recited in claim 1.

For at least these reasons, Applicants submit that claim 1 is not anticipated by Shultz et al. Claims 3, 7, 14, 17, and 18 depend from claim 1 and are, therefore, not anticipated by Shultz et al. for at least the reasons given with regard to claim 1.

Independent claims 19, 20, and 22 recite features similar to (yet possibly different in scope from) features identified above with regard to claim 1. Claims 19, 20, and 22 are, therefore, not anticipated by Shultz et al. for at least reasons similar to reasons given with regard to claim 1. Claim 21 depends from claim 20, and claim 32 depends from claim 19. Claims 21 and 32 are, therefore, not anticipated by Shultz et al. for at least the reasons given with regard to claims 20 and 19, respectively. Claims 23, 24, and 26 depend from claim 22 and are, therefore, not anticipated by Shultz et al. for at least the reasons given with regard to claim 22.

Independent claim 28 is directed to a method that comprises analyzing a target document to identify a topic for the target document and a geographic location associated with the target document; identifying targeting information for a plurality of advertisements; comparing the targeting information to the topic to identify a set of potential advertisements; determining a distance score for at least one advertisement in the set of potential advertisements using a geographic location of an advertiser associated with the one advertisement and the geographic location associated with the target document; ordering the set of potential advertisements based, at least in part, on the distance score of the at least one advertisement; and presenting at least some of the ordered set of potential advertisements within the target document.

Shultz et al. does not disclose or suggest the combination of features recited in claim 28.

For example, Shultz et al. does not disclose or suggest determining a distance score for at least one advertisement in a set of potential advertisements using a geographic location of an advertiser associated with the one advertisement and a geographic location associated with a target document.

The Examiner alleged that Shultz et al. discloses this feature and cited paragraph 0060 of Shultz et al. for support (Office Action, page 5). Applicants submit that Shultz et al. provides no support for the Examiner's allegation.

At paragraph 0060 (reproduced above), Shultz et al. discloses sorting matching information according to importance, relevance, hierarchy of information, distance from the user identified location, corresponding advertising information, or corresponding business information. In this section, Shultz et al. discloses "a distance from the user identified location."

The "user identified location" refers to the user's geographic location, destination, or area of interest (paragraph 0047). Thus, Shultz et al. discloses a distance from matching information to the user's geographic location, destination, or area of interest. Shultz et al. does not disclose, however, a distance determined using a geographic location of an advertiser and a geographic location associated with a target document. Thus, Shultz et al. does not disclose or suggest determining a distance score for at least one advertisement in a set of potential advertisements using a geographic location of an advertiser associated with the one advertisement and a geographic location associated with a target document, as recited in claim 28.

The Examiner alleged that it is unclear what is intended by "a geographic location associated with a target document" and alleged that this feature will be interpreted as the location of a user "since the target document is displayed on user's computer" (final Office Action, pages

12-13). Applicants submit that the Examiner's allegation is unreasonable. Applicants' specification clearly provides support for a geographic location associated with a document at, for example, paragraphs 0007 (e.g., Each business listing may include listing information, such as the business name, address, telephone number, business category, etc.); 0029 (e.g., The location database 120 stores geographic or location data associated with documents and/or users.); 0034 (e.g., In one implementation, the location database 120 may store address/map data associated with users, queries, and/or documents stored by the server device 104.); 0043 (e.g., For example, in one implementation, one or more locations associated with each of the identified documents is determined); 0052 (e.g., a technique may be used to analyze a target document to identify . . . a location associated with the target document); etc. Thus, Applicants submit that the Examiner's allegation, that the geographic location associated with a target document corresponds to the geographic location of a user, lacks merit.

For at least these reasons, Applicants submit that claim 28 is not anticipated by Shultz et al. Claims 29 and 30 depend from claim 28 and are, therefore, not anticipated by Shultz et al. for at least the reasons given with regard to claim 28.

Independent claim 31 recites features similar to (yet possibly different in scope from) features identified above with regard to claim 28. Claim 31 is, therefore, not anticipated by Shultz et al. for at least reasons similar to reasons given with regard to claim 28. Claim 34 depends from claim 31 and is, therefore, not anticipated by Shultz et al. for at least the reasons given with regard to claim 34.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 3, 7, 14, 17-24, 26, 28-32, and 34 under 35 U.S.C. § 102 based on Shultz et

al.

REJECTION UNDER 35 U.S.C. § 103 BASED ON SHULTZ ET AL. AND BERKAN ET AL.

In paragraph 10 of the final Office Action, the Examiner rejected claims 4-6 and 8-11 under 35 U.S.C. § 103(a) as allegedly unpatentable over Shultz et al. in view of Berkan et al. Applicants respectfully traverse the rejection.

Claims 4-6 and 8-11 depend from claim 1. Without acquiescing in the Examiner's rejection of claims 4-6 and 8-11, Applicants respectfully submit that the disclosure of Berkan et al. does not cure the deficiencies in the disclosure of Shultz et al. identified above with regard to claim 1. Therefore, claims 4-6 and 8-11 are patentable over Shultz et al. and Berkan et al., whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 4-6 and 8-11 under 35 U.S.C. § 103 based on Shultz et al. and Berkan et al.

NEW CLAIMS

New independent claim 35 is directed to a storage device containing instructions executable by at least one processor to perform a method that comprises: receiving a search query; identifying a geographic location associated with the search query; identifying a set of documents based, at least in part, on the search query; determining, for each document in the set of documents, a topical score based, at least in part, on a relevance of the document to the search query; determining, for each document in the set of documents, a distance score based, at least in part, on a measure of distance between a geographic location associated with the document and the geographic location associated with the query; selecting a distance weight based, at least in

part, on a topic or keyword associated with the query; applying the distance weight to the distance score to generate a weighted distance score; generating, for each document in the set of documents, a total score based, at least in part, on the topical score and the weighted distance score; sorting the set of documents based, at least in part, on the total scores; generating a search result document that includes information regarding the sorted set of documents; and presenting the search result document.

None of the applied references, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 35. For example, none of the applied references discloses or suggests generating, for each document in a set of documents, a total score based, at least in part, on a topical score and a weighted distance score, where the weighted distance score is generated by applying a distance weight to a distance score, where the distance weight is selected based, at least in part, on a topic or keyword associated with a query, as recited in claim 35. Rather, Shultz et al., for example, merely discloses sorting matching information according to user preference and/or a predefined search result sorting routine (para. 0060). Berkan et al. merely discloses producing component scores including a measure of word occurrences, word group occurrences, and word sequences occurrences (Abstract). Thus, Shultz et al. and Berkan et al., whether taken alone or in any reasonable combination, do not disclose or suggest generating, for each document in a set of documents, a total score based, at least in part, on a topical score and a weighted distance score, where the weighted distance score is generated by applying a distance weight to a distance score, where the distance weight is selected based, at least in part, on a topic or keyword associated with a query, as recited in claim 35.

New claim 36 depends from claim 35. Claim 36 is, therefore, patentable over the applied

references for at least the reasons given with regard to claim 35.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons for modifying a reference and/or combining references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 35 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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